

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SIMPLEAIR, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:14-cv-00011-JRG
)	
GOOGLE INC.,)	JURY TRIAL DEMANDED
)	
and)	
)	
YOUTUBE LLC,)	
)	
Defendants.)	
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SIMPLEAIR, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:13-cv-00937-JRG
)	JURY TRIAL DEMANDED
GOOGLE INC.,)	
)	
Defendant.)	
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**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE
SURREPLY CLAIM CONSTRUCTION BRIEF**

Defendants Google Inc. and Youtube LLC (collectively "Defendants") pursuant to Local Rule CV-7(f) and P. R. 4-5, hereby request leave to file a 4-page surreply claim construction brief, and as grounds state:

1. Plaintiff's reply brief raises new arguments with respect to the terms "information gateway," "transmission gateway," and "online or offline from a data channel." For example, Plaintiff now argues that the word "gateway" connotes sufficient structure for the two "gateway" claim limitations, and proposes a new claim construction for "online or offline from a data

channel.” (*See* Reply Brief 6-7 and 11-12.) As explained in more detail in the proposed surreply, both positions are inconsistent with Plaintiff’s previous representations to the Court.

2. Because Plaintiff raises new arguments, the Court should permit Defendants to file a brief surreply to address those issues.

3. Plaintiff disagrees with the foregoing characterization and assertions but does not oppose Defendants’ request to file a 4-page surreply.

WHEREFORE, Defendants respectfully request that the Court grant them leave to file the attached surreply. A proposed order is also attached.

DATED: March 26, 2015

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By /s/ Charles K. Verhoeven

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 26, 2015.

/s/ Jason L. Liu_____

Jason L. Liu